

Notice of Allowability

Application No.

09/991,539

Examiner

DANIEL G. MARIAM

Applicant(s)

PITTEL, ARKADY

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amdt. & RCE filed 1/22/07, A Telephone interv. dated 1/31/07.
2. ☒ The allowed claim(s) is/are 1,2,5-26,42 and 53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 1/24/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1/31/2007
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DANIEL MIRIAM
PRIMARY EXAMINER

EXAMINER'S AMENDMENT, RCE AND REASONS FOR ALLOWANCE

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Misha Hill (Reg. No. 59,737) on January 31, 2007.

The application has been amended as follows:

Amend claim 1 as follows:

At line 4, after the limitation "information" insert "based on hand motion of a writing instrument"

At line 4, before the limitation "light" insert "infrared"

At line 5, after the limitation "camera" insert "directly"

At line 5, delete "a" and replace it with "the"

Amend claim 42 as follows:

At line 3, before the limitation "light" insert "infrared"

At line 3, after the limitation "light" insert "received directly"

At line 6, after the limitation "information" insert ", based on hand motion of the writing instrument,"

Amend claim 53 as follows:

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At line 5, after the limitation "information" insert "based on hand motion of a writing instrument"

At line 6, after the limitation "camera" insert "directly"

At line 6, delete "a" and replace it with "the"

At line 6, after the limitation "instrument" insert "when the writing instrument is used on a writing surface, the writing instrument and the writing surface being"

At lines 7-8, delete the limitation "space in which the writing instrument is located" and replace it with "portion of the writing surface"

At line 9, delete the limitation "in the space in which the writing instrument is located" and replace it with "on the writing surface"

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 22, 2007 has been entered.

Reasons for Allowance

3. Claims 1-2, 5-26, 42 and 53 are allowed. The claims will be renumbered as 1-26.

4. The following is an examiner's statement of reasons for allowance: as applicant properly points out, starting on page 6 of the remarks, that Wang "The applicant respectfully disagrees.

Wang clearly states that the hand-held device "includes a touch sensitive screen display 22" and

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that the writing instrument 21 "allows input into the hand-held ... via the touch sensitive screen display 22" (emphasis added). The only described use of the camera is "to capture the input face image." Wang says nothing about deriving handwriting or control information "from light received by the digital camera from a writing instrument ... separate from the apparatus" (emphasis added)." Hence, and in view of applicant's argument, Examiner's amendment, and in combination with all of the other elements of the claims, that independent claims 1, 42 and 53 are now allowable over the primary reference to Wang, and since claims 2 and 5-26 depend on claim 1, they are also allowable for the same reason. Likewise, all of the above-identified claims are allowable over the newly surfaced prior art of Munich, et al (6,633,671).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DANIEL G MARIAM
Primary Examiner
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January 31, 2007